



The order that Defendant references<sup>1</sup> is attached to this docket entry reads: “AND NOW, this 15th day of September, 2017, upon consideration of the Defendant’s Consent Motion for Extension of Time to File Reply in Support Of[sic] Defendant’s Motion for Summary Judgment, The[sic] Court’s August 10, 2017 Order (ECF No. 54) is amended and Defendant’s Reply shall be filed on or before September 18, 2017.” Order [ECF No. 63]. This order only set a deadline for a reply brief, at no point did the Court allow Defendant to file a reply to the responsive concise statement of material fact, and at no point did Defendant seek to file a reply to the responsive concise statement of material fact.

However, because Defendant is correct in its response that the Reply was filed in accordance with Local Rule 56, *see e.g., Sproull v. Golden Gate Nat. Sr. Care, LLC*, 2010 WL 339858, at \*3 (W.D.Pa. 2010) and because of this court’s inherent authority to control its docket, *see Eash v. Riggins Trucking, Inc.*, 757 F.2d 557, 567 (3d Cir. 1985) (“A court’s inherent power to manage its caseload, control its docket, and regulate the conduct of attorneys before it, provides authority to fashion tools that aid the court in getting on with the business of deciding cases.”), and because Plaintiff has been given the opportunity to file a sur-reply to Defendant’s reply and has done so, and will suffer no prejudice from Defendant’s submission, Plaintiff’s motion to strike is DENIED.

IT IS FURTHER ORDERED that the pending motion for summary judgment is considered RIPE, and no further briefing will be permitted, and the court will take into consideration all of the parties’ submissions in determining the pending motion for summary judgment.

DATED this 24th day of October, 2017.

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<sup>1</sup> The signed order was drafted by the Defendant for the Court’s signature and was not materially changed in any way.

BY THE COURT:

s/Cynthia Reed Eddy  
United States Magistrate Judge